



Council Offices, Almada Street  
Hamilton, ML3 0AA

Friday, 28 September 2018

Dear Councillor

## **Licensing Committee**

The Members listed below are requested to attend a meeting of the above Committee to be held as follows:-

**Date:** Tuesday, 07 August 2018

**Time:** 10:00

**Venue:** Committee Room 1, Council Offices, Almada Street, Hamilton, ML3 0AA

The business to be considered at the meeting is listed overleaf.

<b>Members are reminded to bring their fully charged tablets to the meeting</b>
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Yours sincerely

**Lindsay Freeland**  
**Chief Executive**

### **Members**

David Shearer (Chair), Julia Marrs (Depute Chair), John Ross (ex officio), John Bradley, Stephanie Callaghan, Andy Carmichael, Poppy Corbett, Mary Donnelly, Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Grant Hose, Martin Lennon, Richard Lockhart, Eileen Logan, Katy Loudon, Joe Lowe, Catherine McClymont, Kenny McCreary, Mark McGeever, Jim McGuigan, Davie McLachlan, Gladys Miller, Bert Thomson, Josh Wilson

### **Substitutes**

Alex Allison, Walter Brogan, Jackie Burns, Janine Calikes, Margaret Cowie, Maureen Devlin, Joe Fagan, Ann Le Blond, Ian McAllan, Richard Nelson, Carol Nugent, Collette Stevenson, Jared Wark

## **BUSINESS**

### **1 Declaration of Interests**

### **2 Minutes of Previous Meeting**

5 - 10

Minutes of the meeting of the Licensing Committee held on 12 June 2018 submitted for approval as a correct record. (Copy attached)

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### **Item(s) for Decision**

### **3 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Review of Taxi Fares**

11 - 14

Report dated 18 July 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

### **4 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis - Taxi Operator Licences**

15 - 18

Report dated 20 July 2018 by the Executive Director (Finance and Corporate Resources). (Copy attached)

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### **Urgent Business**

### **5 Urgent Business**

Any other items of business which the Chair decides are urgent.

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### **Exclusion of Press and Public**

### **6 Exclusion of Press and Public**

It is recommended that the Committee makes the following resolution:-

"That, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following item(s) of business on the grounds that it is likely that there will be disclosure of exempt information in terms of Paragraphs 6 and 14 of Part I of Schedule 7A of the Act."

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### **Item(s) for Decision**

### **7 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Skin Piercing and Tattooing Licence**

- Exempt information in terms of Paragraph 14 of Part I of Schedule 7A of the Act

### **8 Civic Government (Scotland) Act 1982 (As Amended) - Consideration of Suspension or Revocation of Taxi Driver's Licence No 088**

- Exempt information in terms of Paragraph 6 of Part I of Schedule 7A of the Act

***For further information, please contact:-***

Clerk Name: Carol Lyon

Clerk Telephone: 01698 455652

Clerk Email: [carol.lyon@southlanarkshire.gov.uk](mailto:carol.lyon@southlanarkshire.gov.uk)



**LICENSING COMMITTEE**

Minutes of meeting held in Committee Room 1, Council Offices, Almada Street, Hamilton on 12 June 2018

**Chair:**

Councillor David Shearer

**Councillors Present:**

John Bradley, Stephanie Callaghan, Andy Carmichael, Margaret Cowie (*substitute for Councillor McLachlan*), Mary Donnelly, Joe Fagan (*substitute for Councillor Logan*), Geri Gray, George Greenshields, Lynsey Hamilton, Mark Horsham, Martin Lennon, Richard Lockhart, Catherine McClymont, Kenny McCreary, Mark McGeever, Julia Marrs (Depute), Gladys Miller, Collette Stevenson (*substitute for Councillor Loudon*), Josh Wilson

**Councillors' Apologies:**

Poppy Corbett, Martin Grant Hose, Eileen Logan, Katy Loudon, Joe Lowe, Jim McGuigan, Davie McLachlan, John Ross (ex officio), Bert Thomson

**Attending:****Finance and Corporate Resources**

C Lyon, Administration Officer; C McKee, Licensing and Registration Co-ordinator; T Stone, Licensing and Registration Manager; L Wyllie, Administration Assistant

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**Order of Business**

<b>The Committee decided:</b>	that the items of business be dealt with in the order minuted below.
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**1 Declaration of Interests**

No interests were declared.

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**2 Minutes of Previous Meeting**

The minutes of the meeting of the Licensing Committee held on 22 May 2018 were submitted for approval as a correct record.

<b>The Committee decided:</b>	that the minutes be approved as a correct record.
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**3 Minutes of Public Processions Panel**

The minutes of the meeting of the Public Processions Panel held on 31 May 2018 were submitted for approval as a correct record.

<b>The Committee decided:</b>	that consideration of the minutes be continued to the next meeting of this Committee to allow those members of the Panel to be present to approve them as a correct record.
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#### **4 Civic Government (Scotland) Act 1982 (As Amended) - Taxis/Private Hire Cars - Carriage of Assistance Dogs**

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A report dated 15 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted on a proposal to adopt a policy in relation to the carriage of assistance dogs in taxis and private hire cars.

In terms of the Taxi Drivers' Licences (Carrying of Guide Dogs) (Scotland) Regulations 2003 and the Private Hire Car Drivers' Licences (Carrying of Guide Dogs and Hearing Dogs) (Scotland) Regulations 2004, all taxi and private hire car drivers were required to carry an assistance dog unless they had received an exemption from the licensing authority.

At present, the Council had issued 7 exemptions on the carriage of assistance dogs in the form of an embossed certificate.

A request had been received from Guide Dogs for the Blind that the Council adopt the contents of their policy document which was attached as an appendix to the report. However, on examination of the policy, some areas required to be amended to ensure it was in line with current Scottish legislation and capable of being enforced. The amendments required were detailed in paragraph 4.3 of the report.

Disability equality training, which included information in relation to the carriage of assistance dogs, was currently available to taxi drivers. It was proposed that this training be extended to include private hire car drivers. All new private hire car driver applicants from 1 January 2019 would be required to undertake the training.

##### **The Committee decided:**

- (1) that the policy document submitted by the Guide Dogs for the Blind organisation be approved, subject to the amendments detailed in paragraph 4.3 of the report, and implemented from 1 January 2019; and
- (2) that the current training undergone by taxi drivers be extended to new private hire car drivers from 1 January 2019.

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#### **5 Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Places of Public Entertainment**

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A report dated 16 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted requesting approval for the final Resolution, as amended, for the Licensing of Places of Public Entertainment.

At its meeting on 27 March 2018, the Committee approved the draft Public Entertainment Resolution. The draft Resolution had been advertised in the press for the period from 11 April 2018 to 11 May 2018. No objections or representations had been received in response to the draft Resolution.

**The Committee decided:** that the final Resolution, as amended, for the Licensing of Places of Public Entertainment, as detailed in Appendix 1 to the report, be approved.

*[Reference: Minutes of 27 March 2018 (Paragraph 3)]*

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#### **6 Urgent Business**

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There were no items of urgent business.

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## **7 Exclusion of Press and Public**

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**The Committee decided:** that, in terms of Section 50A(4) of the Local Government (Scotland) Act 1973, the press and public be excluded from the meeting for the following items of business on the grounds that it was likely that there would be disclosure of exempt information in terms of Paragraphs 6 and 14 of Part I of Schedule 7A of the Act.

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## **8 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Skin Piercing and Tattoo Licence - Protected Convictions**

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A report dated 15 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a skin piercing and tattoo licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In the interests of justice, it was considered that protected convictions might require to be taken into account in dealing with any application for a licence. After consideration of the number, nature and age of the applicant's protected convictions, it was proposed that consideration of the application be continued to allow further information on the applicant's protected convictions to be obtained.

**The Committee decided:** that detailed information be requested on the protected convictions of the applicant to allow full consideration of the application for a skin piercing and tattoo licence.

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## **9 Civic Government (Scotland) Act 1982 (As Amended) - Application to Vary the Terms of Public Entertainment Licence No 022**

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A report dated 14 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application to vary the terms of public entertainment licence No 022 in terms of the Civic Government (Scotland) Act 1982 (as amended).

**The Committee decided:** that the following application for variation of licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	South Lanarkshire Leisure and Culture Limited and G Campbell
Type of Licence:	Public Entertainment
Premises:	John Wright Sports Centre, Calderwood Road, East Kilbride
Current Days/Hours:	Monday to Sunday from 8.00am to 1.00am (as and when required)
Days/Hours Requested:	Monday to Sunday from 7.00am to 1.00am (as and when required)
Days/Hours Granted:	Monday to Sunday from 7.00am to 1.00am (as and when required)

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## **10 Civic Government (Scotland) Act 1982 (As Amended) - Application to Vary the Terms of Indoor Sports Entertainment Licence No 001**

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A report dated 14 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application to vary the terms of indoor sports entertainment licence No 001 in terms of the Civic Government (Scotland) Act 1982 (as amended).

**The Committee decided:** that the following application for variation of licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	South Lanarkshire Leisure and Culture Limited and G Campbell
Type of Licence:	Indoor Sports Entertainment
Premises:	John Wright Sports Centre, Calderwood Road, East Kilbride
Current Days/Hours:	Monday to Sunday from 8.00am to 1.00am (as and when required)
Days/Hours Requested:	Monday to Sunday from 7.00am to 1.00am (as and when required)
Days/Hours Granted:	Monday to Sunday from 7.00am to 1.00am (as and when required)

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### **11 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Private Hire Car Driver's Licence**

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A report dated 16 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a private hire car driver's licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application. A representation had been received from Police Scotland and Sergeant Tomlinson was heard.

Councillor Carmichael, seconded by Councillor Callaghan, moved that the application be refused. Councillor McClymont, seconded by Councillor Stevenson, moved as an amendment that the application be granted for a period of 1 year. On a vote being taken by a show of hands, 8 members voted for the amendment and 12 for the motion which was declared carried.

**The Committee decided:** that the application by T Loudon, 35 Muirbrae Road, Rutherglen for a private hire car driver's licence in the Cambuslang and Rutherglen zone be refused.

*In terms of Standing Order No 13, the Chair adjourned the meeting during consideration of this item of business at 10.30am and reconvened at 10.40am*

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### **12 Civic Government (Scotland) Act 1982 (As Amended) - Application for a Late Hours Catering Licence**

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A report dated 16 May 2018 by the Executive Director (Finance and Corporate Resources) was submitted on an application for a late hours catering licence in terms of the Civic Government (Scotland) Act 1982 (as amended).

In terms of the Civic Government (Scotland) Act 1982 (as amended), the opportunity of a hearing had been offered to the applicant who was present and heard in support of his application. A Shafiq was also heard.



**The Committee decided:**

that the following application for a late hours catering licence be granted subject to the conditions specified by the Executive Director (Finance and Corporate Resources):-

Applicant:	L Singh, 1/3, 71 Glenavon Road, Glasgow
Type of Licence:	Late hours catering
Premises:	Sugar and Spice, 27 Townhead Street, Hamilton
Days/Hours Requested:	Sunday to Thursday from 11.00pm to 1.00am Friday and Saturday from 11.00pm to 3.30am
Days/Hours Granted:	Sunday to Thursday from 11.00pm to 1.00am Friday and Saturday from 11.00pm to 3.30am



# Report

3

Report to:	<b>Licensing Committee</b>
Date of Meeting:	<b>7 August 2018</b>
Report by:	<b>Executive Director (Finance and Corporate Resources)</b>

Subject:	<b>Civic Government (Scotland) Act 1982 (As Amended) - Licensing of Taxis – Review of Taxi Fares</b>
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## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ◆ further progress the fares review process in the Clydesdale and Hamilton zones of South Lanarkshire

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that, on the basis that no objections or representations had been received, there be no increase in the fares tariff for the Clydesdale and Hamilton zones.

## 3. Background

- 3.1. In terms of Section 17 of the Civic Government (Scotland) Act 1982 (as amended) by Section 174 of the Criminal Justice and Licensing (Scotland) Act 2010 Licensing Authorities must review taxi fares in their area every 18 months.
- 3.2. At its meeting held on 27 June 2013, the Licensing Committee agreed to calculate all future increases based on an agreed formula.
- 3.3. As members will be aware, even if there is no increase in the fares tariff, the formal review procedures require to be commenced.

## 4. Present Position

- 4.1. At its meeting on 22 May 2018, the Licensing Committee agreed that, subject to any representations received, the fares review for the Clydesdale and Hamilton zones would take place on the basis that there would be no increase in the current tariff. The current tariff is shown in Appendix 1.
- 4.2. The proposed Clydesdale and Hamilton fares reviews have been advertised in the press in accordance with the legislation and no responses were received.

## 5. Employee Implications

5.1. None.

## 6. Financial Implications

6.1. The cost of Appeal to the Traffic Commissioner if the decision of the Council is appealed.

## **7. Other Implications**

- 7.1. The risk to the Council is that it fails to fulfil its duty to protect the public.
- 7.2. There are no apparent implications in terms of sustainability.

## **8. Equality Impact Assessment and Consultation Arrangements**

- 8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.
- 8.2. Consultation with the taxi trade has been carried out to ascertain views on whether or not they are seeking an increase in taxi fares this year. Adverts have been placed in the press for a period of 28 days to enable anyone to comment on or object to the proposed changes to the fares tariffs.

**Paul Manning**

**Executive Director (Finance and Corporate Resources)**

18 July 2018

### **Link(s) to Council Values/Ambitions/Objectives**

- ◆ Make communities safer, stronger and sustainable

### **Previous References**

- ◆ Licensing Committee, 22 May 2018

### **List of Background Papers**

- ◆ None

### **Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Teresa Stone, Licensing and Registration Manager

Ext: 4806 (Tel: 01698 454806)

E-mail: [teresa.stone@southlanarkshire.gov.uk](mailto:teresa.stone@southlanarkshire.gov.uk)

**Current Fares Tariff**

<b>Clydesdale Zone</b>
not exceeding one mile £3.00 for EACH additional 88 yards or any part thereof 10 pence (an average 2 mile hire of £5.00)

<b>Hamilton Zone</b>
not exceeding 880 yards £2.80 for each additional 220 yards or any part thereof 20 pence (an average 2 mile hire of £5.20)



# Report

4

Report to: **Licensing Committee**  
 Date of Meeting: **7 August 2018**  
 Report by: **Executive Director (Finance and Corporate Resources)**

Subject: **Civic Government (Scotland) Act 1982 (As Amended)  
 - Licensing of Taxis – Taxi Operator Licences**

## 1. Purpose of Report

1.1. The purpose of the report is to:-

- ♦ introduce criteria for the issue of new taxi operator licences where an operator's licence has been surrendered, revoked or not renewed (excluding transfer, renewals and substitute vehicles)
- ♦ to agree the new procedure for processing "new" taxi operator licences in the Hamilton zone

## 2. Recommendation(s)

2.1. The Committee is asked to approve the following recommendation(s):-

- (1) that all new taxi operator licences to be issued by the licensing authority will only be for vehicles accessible for wheelchair users with the exception of the Clydesdale zone as currently there is no limit on the number of taxis in that zone,
- (2) that the vehicles must be capable of carrying at least one 'reference wheelchair' with a passenger seated in the same; and
- (3) that the proposals outlined in paragraph 4.4 for the issue of four taxi operator licences which are currently available in the Hamilton zone be approved.

## 3. Background

3.1. Before a person can operate as a taxi operator, they require to apply to the Council for the appropriate licence.

## 4. Present Position

4.1. Currently three out of the four zones in South Lanarkshire have limits on the number of taxi operator licences available in that zone. The three zones are Hamilton, East Kilbride (including "Strathaven") and Cambuslang and Rutherglen. Currently the numbers of wheelchair accessible vehicles in each zone are as per appendix 1.

4.2. Clydesdale zone has not been included in the policy as there is no limit in that zone so if all new taxi vehicles required to be wheelchair accessible the trade would put private hire vehicles on instead. Since there is no limit the current plates have only the face value and as such are not transferred.

- 4.3. Since the last renewal period, four operator licences were either not renewed or surrendered in the Hamilton Zone (Hamilton has a limit of 136 taxi operator licences in the zone). Four operator licences are available for issue in the Hamilton zone.
- 4.4. The operator licences should be advertised in the press and issued on a first come, first served basis provided that any vehicle to be put on as a taxi is a wheelchair accessible vehicle, that is a vehicle capable of carrying a passenger seated in at least a 'reference' wheelchair type and the applicant is deemed to be a fit and proper person by the Licensing Committee or Chair and/or Depute Chair acting under delegated powers. In the event of concerns being raised about the applicant being a fit and proper person in terms of the legislation, the application will be referred to the Licensing Committee for a hearing to allow the Committee to assess the application on its own individual merits.
- 4.5. It is appropriate to introduce criteria which will govern the issue of the four operator licences referred to in 4.3 above and any future operator licences which are surrendered or not renewed in the three zones which have limits on the numbers of taxi operator licences. This would not apply in Clydesdale zone as there is no limit to the number of taxi operator licences issued.
- 5. Employee Implications**
- 5.1. None. While there could be an increased workload as a result of the advertisements showing the availability of the operator licences, this can be met by existing staff.
- 6. Financial Implications**
- 6.1. £1,552 in fees will be received if applications are received for all four taxi operator licences.
- 7. Other Implications**
- 7.1. The risk to the Council is that it fails to fulfil its duty to protect the public. This is mitigated by the application process.
- 7.2. There are no apparent implications in terms of sustainable development.
- 8. Equality Impact Assessment and Consultation Arrangements**
- 8.1. There is no requirement to carry out an impact assessment in terms of the proposals contained within this report.

**Paul Manning**  
**Executive Director (Finance and Corporate Resources)**

20 July 2018

**Link(s) to Council Values/Ambitions/Objectives**

- ◆ Make communities safer, stronger and sustainable
- ◆ Improve health, care and wellbeing



**Previous References**

♦ None

**List of Background Papers**

♦ None

**Contact for Further Information**

If you would like to inspect the background papers or want further information, please contact:-

Teresa Stone, Licensing and Registration Manager

Ext: 4806 (Tel: 01698 454806)

E-mail: [teresa.stone@southlanarkshire.gov.uk](mailto:teresa.stone@southlanarkshire.gov.uk)

Zone	Current number of wheelchair accessible taxis
Cambuslang and Rutherglen	1
Clydesdale	8
East Kilbride	1
Hamilton	1